

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

IN THE MATTER OF THE SEARCH OF A
Samsung, Model: SM-G550T,
Hand-held cellular telephone device,
IMEI: 353764/08/191171/5, Serial Number:
RV8HA0B5YRH, CURRENTLY LOCATED
AT ATF Memphis Field Office, 2600
Thousand Oaks Boulevard, Suite 2300,
Memphis, Tennessee 38118

Case No. 17-SW-024

AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE

I, Mark Jordan, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—an electronic device—which is currently in law enforcement possession, and the extraction from that property of electronically stored information described in Attachment B.

2. I am currently a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), and have been since 2015. I have been a Law Enforcement officer for a total of 17 years. My training and experience consists of approximately 16 years as a local Law Enforcement officer for the Memphis Police Department, where I was a sworn police officer and a detective in the Organized Crime Unit, and approximately 1 year as a Special Agent for ATF. My last assignment for the Memphis Police Department was a certified narcotics K-9 officer assigned to the Special Investigations Unit tasked with conducting undercover operations

and investigating upper-level criminal organizations. Prior to my Special Investigations assignment, I was assigned to the Project Safe Neighborhoods (“PSN”) unit, a multi-agency (state and federal) joint task force, where I was tasked with investigating and federally prosecuting convicted felons in possession of firearms. Prior to that, I was a certified K-9 officer and a full-time federally sworn Task Force Officer assigned to the Drug Enforcement Administration (“DEA”) Task Force tasked with dismantling and disrupting major narcotics trafficking organizations. Prior to that assignment, I was a K-9 officer assigned to a Drug Response team, where I was tasked with conducting investigations of mid to upper level criminal organizations. Prior to my Drug Response Team assignment, I was assigned to the Major Violators Unit, where I was tasked with investigating major criminal organizations. Prior to my Major Violators Assignment, I was an undercover operative in the Undercover Operations Unit. During this two-year long deep undercover assignment, I was tasked with infiltrating major criminal organizations.

As a Memphis Police Officer, I attended and successfully completed many training courses including the following: the Memphis Police Training Academy; the two week Undercover Investigations undercover certification school in Meridian, Mississippi; a one week Basic Narcotics Investigation school in Memphis, Tennessee; a four week K-9 school in Memphis, Tennessee; a one week Basic Clandestine Laboratory Safety school in Paris, Tennessee; a four day DEA Task Force Officer Orientation school in Bell Buckle, Tennessee; a two day Courtroom Testimony school in Germantown, Tennessee; a two day Investigating Mexican Drug Cartels school in Tunica, Mississippi; and a one week Federal Bureau of Investigation (“FBI”) Firearms Instructor School in Memphis, Tennessee.

As an ATF Special Agent, I attended and successfully completed the Federal Law Enforcement Training Center (“FLETC”) Academy and the ATF National Academy, where I have been trained to conduct state and federal criminal investigations. I routinely refer to and utilize these laws and regulations during the course of my official duties as an ATF Special Agent.

I am currently assigned to the ATF Nashville Field Division, Memphis Field Office. My duties include, but are not limited to, the investigation of violations of the federal firearms, arson, explosives laws, and other federal laws and regulations against the United States of America. I have been the affiant on numerous affidavits for criminal investigations, arrest warrants, search warrants, and Title III affidavits for various violations of federal and state law and regulations relating to firearms and narcotics investigations during the combination of my state and federal law enforcement career. I have also conducted numerous successful physical and forensic examinations of electronic communications devices.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE DEVICE TO BE EXAMINED

4. The property to be searched is a **Samsung, Model: SM-G550T, hand-held cellular telephone device, IMEI: 353764/08/191171/5, Serial Number: RV8HA0B5YRH, CURRENTLY LOCATED AT ATF Memphis Field Office, 2600 Thousand Oaks Boulevard, Suite 2300, Memphis, Tennessee 38118**; black in color missing the battery cover, hereinafter the “Device.” The Device is currently located at the ATF Memphis Field Office, 2600 Thousand Oaks Boulevard, Suite 2300, Memphis, and Shelby County, Tennessee.

5. The applied-for warrant would authorize the physical and forensic examination of the Device for the purpose of identifying electronically stored data particularly described in Attachment B.

PROBABLE CAUSE

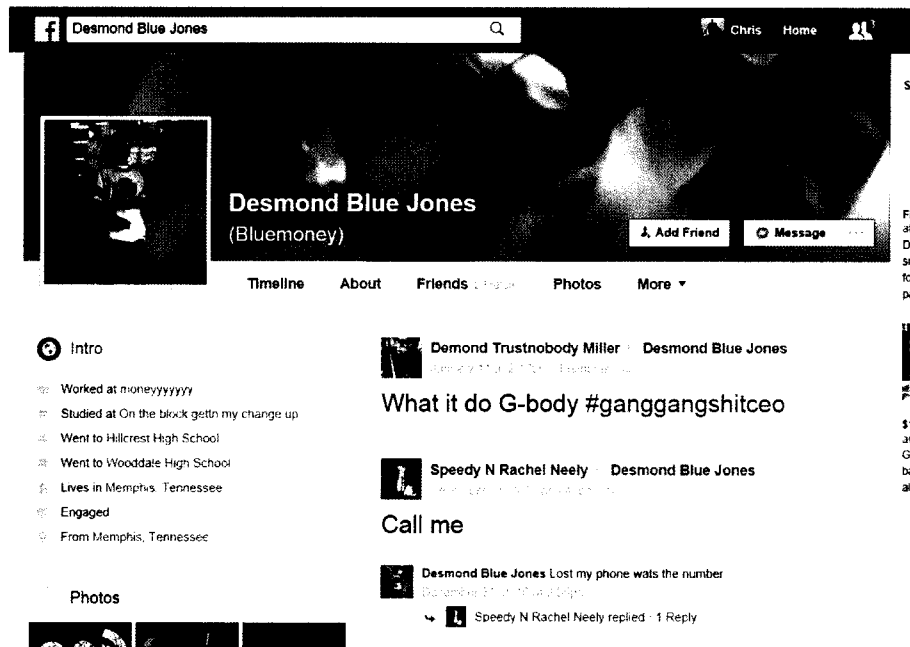
6. On December 30, 2016, at approximately 3:00 am, approximately five unidentified suspects conducted a burglary of the AA Pawn Shop LLC, which is a Federal Firearms Licensee (“FFL”), located at 2830 Old Austin Peay Highway, Suite #1, Memphis, Shelby County, Tennessee 38128.

7. AA Pawn Shop is a licensed Firearms Dealer and the suspects stole twenty-one firearms from the business. The firearms stolen in the burglary consisted of a combination of rifles and shotguns and are all documented individually by make, model, caliber, and serial number in Memphis Police Department, Incident Report Number 1612013632ME, and under ATF Case Number 776080-17-0057.

8. On December 30, 2016, the Memphis Police Department received an alarm call to the pawn shop at approximately 3:32 am which covered “motion.” Memphis Police Department Officer Austin Laine and other officers responded to the alarm call and arrived on the scene at approximately 3:35 am and found that the business had been broken into. Officers set up a perimeter and called for a K-9.

9. Memphis Police Department, “Kilo 14” Officer Ladimer Howell, from the K-9 unit made the scene and deployed his American K-9 Detection Association certified police tracking K-9, “Blek”, in the area to conduct a search for the suspects. K-9 “Blek” picked up the

suspects' scent and followed the scent of the suspects away from the hole in the wall of the Pawn Shop-- that the suspects created using sledge hammers in the rear of the business along the fence line away from the business --to an area where it appeared that a hole had been cut in the fence along the property line. Officers noticed some material on the hole in the fence that appeared to match a FedEx jacket that they found near the hole in the fence. They also found several firearms that had been stolen from the business and next to those stolen firearms officers found an Alcatel, Model # S5027B, cellular telephone device bearing Mobile Equipment Identifier (hereinafter "MEID") DEC #089 712 410 301 341 779; MEID HEX #357 907 071 479 53; black and grey in color with a red lanyard attached to the cellular telephone case, which officers noted appeared to be powered on when it was found. The phone was found in an area which was not open to the public and was in very close proximity to the stolen firearms from the burglary leading investigators to believe that cellular telephones were utilized by the burglary crew to carry out the burglary. *(Writer's Note: Alcatel, Model # S5027B, cellular telephone device bearing Mobile Equipment Identifier [hereinafter "MEID"] DEC #089 712 410 301 341 779; MEID HEX #357 907 071 479 53; black and grey in color with a red lanyard attached to the cellular telephone case has since been identified as the hand-held cellular telephone belonging to Desmond JONES who is a Facebook friend of Cortez HASBERRY's on Facebook who posted on Facebook on December 31, 2016, that he lost his phone when someone posted on his Facebook page asking him to call them. See photo below of that Facebook post.)*



10. Memphis Police Department Crime Scene Officer Wells made the scene and photographed and collected the evidence. All evidence was tagged at the Memphis Police Department Property and Evidence Room located at 201 Poplar Avenue, Memphis, Tennessee 38103.

11. On January 4, 2017, I was notified about the FFL Burglary at the AA Pawn Shop LLC by ATF Resident Agent in Charge (“RAC”) Marcos Bess. RAC Bess assigned me as the ATF Case Agent responsible for investigating the FFL Burglary and the theft of twenty-one firearms.

12. On January 4, 2016, ATF Special Agents (“SA”s) Benny Allen, Samuel Neeley, and I went to AA Pawn Shop LLC, located at 2830 Old Austin Peay Highway, Suite #1, Memphis, Tennessee 38128, and conducted field interviews of the Pawn Shop owner, Vincent Miles, and one of his clerks, James “Jim” Clifton Curle (white male; DOB: 06/13/1955; TN DL: 041370459).

13. Miles advised that he did file the police report with the Memphis Police Department but that he failed to contact ATF to report the theft of firearms, and that mistake was made in error because he had misplaced the telephone number he needed to call to report the theft.

14. Curle provided me with surveillance video footage of the burglary incident and of the prior day's encounter with the three men he believed to be casing the business. That video footage was provided to me on a thumb drive provided by ATF via myself at the request of Curle. Curle then provided me with a detailed list of the stolen firearms (all rifles and shotguns).

15. Curle walked SAs Allen, Neeley, and I through the property and pointed out how the burglary occurred starting in the rear of the business, where Curle advised that a hole had been cut in the chain-link fence along the property line. Curle then pointed out that the suspects had broken out all of the flood lights on the exterior of the business where the entry was gained to the business. Curle pointed out where the suspects used sledge hammers to smash a hole through the exterior wall on the south side of the business on the south east corner of the business. I took a few photographs of the broken lights and of the wall where entry had been gained and where the business owner had tried to patch the wall with plywood to secure the property temporarily.

16. On January 4, 2017, at approximately 11:50 am, the Memphis Police Department and ATF received Crime Stoppers tip #1 after the local news station aired a video of the burglars breaking into the pawnshop and stealing the firearms:



MEMPHIS CRIME STOPPERS

600 Jefferson, Memphis, TN 38103

Phone: 901-636-7822 Fax: 901-524-1068

TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 19594

ALT ID:

OTHER ID:

CASE NO.: 1612013632ME

RECEIVED: 01/04/2017

DUE DATE: 01/14/2017

TAKEN BY: GRAFENREEDJ

TIME TAKEN: 11:50 AM

OFFENSE TYPE: BURGLARY BUILDING

LOCATION: 2380 OLD AUSTIN PEAY, MEMPHIS, TN [Show on Map](#)

DELIVERED TO: MPD OLD ALLEN GIB (5031) - LT. ROBERT CHALMERS

[Click here to let the sending agency know that you have received this tip.](#)

Once this tip has been resolved, please submit the disposition information online at www.tipsoft.com/dispo using TipSoft Agency ID **633** and Disposition Code **18221**. Click on the link above to login automatically.

SUSPECT #1

First: Jamiel Last: Stewart

Full Name: Jamiel Stewart

Race: Black Gender: Male Age: 24-25

Height: 5ft 6in Weight: 150 lbs

Address: 2730 Fizer City: memphis

State/Prov: TN

Gang Activity: Blood

SUSPECT #2

First: Cortez Last: Beecher

Full Name: Quartz Beecher

Race: Black Gender: Male Age: 24-25

Height: 5ft 2in Weight: 140 lbs

Address: unknown address on Barron City: Memphis

State/Prov: TN

The tipster called and advised that these two suspects along with a m/b that goes by the name Chris or Christopher are responsible for the Pawn shop burglary. The tipster advised that some of the rifles are at Beecher's home on Barron.

17. On January 4, 2017, at approximately 4:18 pm, the Memphis Police Department and ATF received Crime Stoppers tip #2 after the local news station aired a video of the burglars breaking into the pawnshop and stealing the firearms:



MEMPHIS CRIME STOPPERS
 600 Jefferson, Memphis, TN 38103
 Phone: 901-636-7822 Fax: 901-524-1068
 TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 19599
 ALT ID:
 OTHER ID:
 CASE NO.: 1701001542ME & 1612013632ME

RECEIVED: 01/04/2017
 DUE DATE: 01/14/2017

TAKEN BY: ADAMSB
 OFFENSE TYPE: BURGLARY BUILDING
 LOCATION: 3296 JACKSON, MEMPHIS, TN [Show on Map](#)
 DELIVERED TO: MPD TILLMAN GIB (5035) - LT. SHAWN HICKS

TIME TAKEN: 04:18 PM

[Click here to let the sending agency know that you have received this tip.](#)

Once this tip has been resolved, please submit the disposition information online at www.tipsoft.com/dispo using TipSoft Agency ID [633](#) and Disposition Code [18225](#). Click on the link above to login automatically.

SUSPECT

First: Cortez Last: Beecher
 Full Name: Cortez Beecher
 Race: Black Gender: Male Age: 26
 Height: 5ft 2in Weight: 150 lbs Hair: long dreads SMT's: medium complexion, long dreads, Cross in the middle of his forehead
 Address: Barron Ave (mother's house) City: Memphis
 State/Prov: TN
 Description of Residence: house
 Gang Activity: Vice Lord

SUSPECT

First: Chris
 Full Name:
 Race: Black Gender: Male Age: 26-27
 Height: tall Weight: 170 lbs SMT's: dark skin, big ears, low haircut
 Address: unknown
 Gang Activity: Vice Lord

VEHICLES

Manufacturer: Ford
 Model: sedan
 Year: 02-03
 Color: blue
 Other: 4 door, with a gold bumper

Tipster advised the suspects have been bragging about breaking into the Rent A Center. Tipster advised suspect Beecher lives with his mother, Wendy Beecher, on Barron and often drives her blue Ford sedan. Tipster advised he doesn't know where suspect Chris lives, but advised he hangs out with suspect Beecher and is always riding with him. Tipster advised these suspects are also responsible for burglarizing the pawn shops that have been on Channel 3. Tipster believes the suspects are also responsible for the burglary of a warehouse that occurred before Christmas, but he wasn't sure of the location. Tipster stated he has seen the suspects with some of the weapons stolen from the pawn shop.

Officer used WASP to locate a Wendy Beecher that lives at 2949 Barron Ave. This tip will be forwarded to Tillman and Old Allen.

18. On January 4, 2017, at approximately 4:40 pm, the Memphis Police Department and ATF received Crime Stoppers tip #3 after the local news station aired a video of the burglars breaking into the pawnshop and stealing the firearms:

**MEMPHIS CRIME STOPPERS**

600 Jefferson, Memphis, TN 38103

Phone: 901-636-7822 Fax: 901-524-1068

TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 19601

ALT ID:

OTHER ID:

CASE NO.: 1612013632ME

RECEIVED: 01/04/2017

DUE DATE: 01/14/2017

TAKEN BY: ADAMSB

TIME TAKEN: 04:40 PM

OFFENSE TYPE: BURGLARY BUILDING

LOCATION: 2380 OLD AUSTIN PEAY, MEMPHIS, TN [Show on Map](#)

DELIVERED TO: MPD TILLMAN GIB (5035) - LT. SHAWN HICKS

[Click here to let the sending agency know that you have received this tip.](#)

Once this tip has been resolved, please submit the disposition information online at www.tipsoft.com/dispo using TipSoft Agency ID [633](#) and Disposition Code [18227](#). Click on the link above to login automatically.

SUSPECT

First: Chris Last: Everett

Full Name: Chris Everett

Race: Black Gender: Male Age: 35

Height: 6ft 0in Weight: 180 lbs SMT's: medium skin, low hair cut

Address: 1954 Clifton City: Memphis

State/Prov: TN

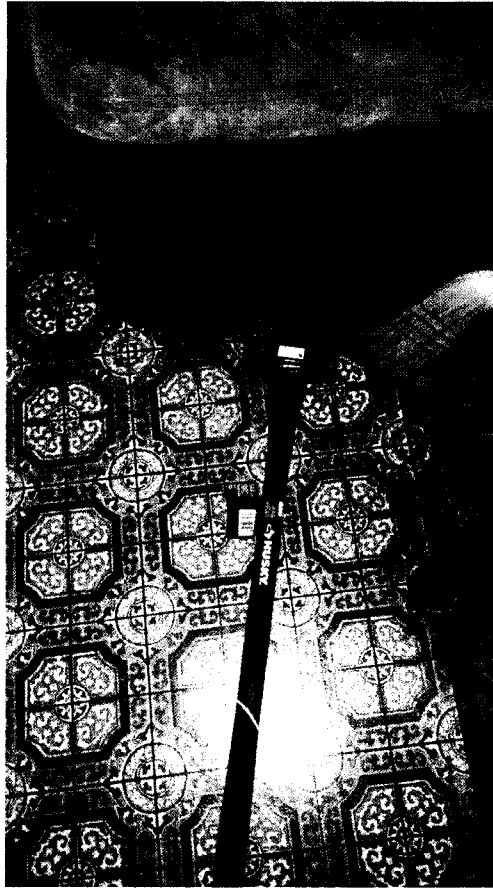
Tipster advised suspect is responsible for breaking into the Pawn Shops. Tipster stated the suspect is attempting to sell the guns around the neighborhood. Tipster advised the suspect just pulled up to his home in a gray van.

This tip is going to be forwarded to Tillman and Old Allen due to the suspect being listed on a tip for a Tillman case.

19. On January 4, 2017, after receiving the Crime Stoppers tips, I ran all of the suspects listed in the Crime Stoppers tips through local law enforcement databases and found that Cortez HASBERRY (aka: Cortez BEECHER at 2949 Barron Avenue in Memphis, Tennessee) had an outstanding arrest warrant for Aggravated Assault. I, along with fellow ATF agents and members of the Memphis Police Department, went to 2949 Barron Avenue, Memphis, Tennessee, and conducted surveillance at the residence. ATF agents observed a group of several males exit the residence and leave in a black Nissan Murano traveling west bound Barron Avenue towards Pendleton. Agents and officers followed the Nissan Murano to the area of Lamar Avenue near Schultz where Memphis Police Officers conducted a traffic stop of the vehicle and took Cortez HASBERRY into custody for an active State of Tennessee arrest warrant for Tennessee Code Annotated Section 39-13-102 - Aggravated Assault, Warrant

#16641984. When HASBERRY was arrested he was in possession of two cellular telephones, (1) a **Samsung, Model: SM-G550T, hand held cellular telephone device, IMEI: 353764/08/191171/5, Serial Number: RV8HA0B5YRH, the “Device;”** (2) a Samsung, Model Galaxy SM-J100VPP, IMEI: 990005907862529. Both cellular telephones were tagged as evidence at the Memphis Police Department’s Property and Evidence room.

20. During the traffic stop, HASBERRY’s mother, Wendy BEECHER, made the scene and asked Memphis Police officers what was going on? They directed her to return to her residence and they would meet her there when they cleared the traffic stop to explain everything. BEECHER left the scene and returned to 2949 Barron where Memphis Police Department Sergeant Brandon Harris, Detective Brian Campany, along with other Memphis Police officers and ATF agents met them. Sergeant Harris asked Wendy BEECHER for consent to search the residence for firearms and she said you’ll have to ask the homeowner deferring to James PARKER. PARKER stated that he was the homeowner and he gave verbal and written consent to search the residence for firearms. Officers and Agents searched the residence and SA Jordan located a black Husky brand sledge hammer under the couch in the bedroom that PARKER told officers belonged to HASBERRY. The sledge hammer was still new and had the sticker containing the item number still on it. The sledge hammer looked slightly used but had what appeared to be a freshly crushed concrete residue on the metal tip of the sledge hammer consistent with the damage found to the concrete wall that had been demolished at the AA Pawn Shop during the FFL burglary on December 30, 2016. SA Samuel Neeley found a navy blue jacket hanging on the wall near the doorway with a large rip in the shoulder of the jacket that looked to be fresh. (See photo of the sledge hammer seized from beneath HASBERRY’s couch in his bedroom on January 4, 2016 at 2949 Barron Avenue, Memphis, Tennessee.)



21. On January 10, 2017, I retrieved the cellular telephone “device” from the Memphis Police Department’s Property and Evidence room for the purpose of preparing this federal search warrant for the cellular telephone “device” to identify the burglary suspects that participated in the burglary of AA Pawn Shop LLC and to identify the co-conspirators also responsible for the burglary of the FFL, AA Pawn Shop LLC, where twenty-one (21) firearms were stolen. While I was at the property and evidence room, I observed the HDX bolt cutters that were seized from the scene of the burglary where the burglars left it after using it to cut the cable that secured the firearms on the shelf.

22. On January 10, 2017, after reviewing the evidence at the Memphis Police Department Property and Evidence room, SA Jordan made the observation that the bolt cutters

found at the scene of the burglary were HDX brand, a brand specific to Home Depot, a retail store in the Memphis, Tennessee Area. The sledge hammer seized from the scene of the burglary was a Husky brand sledge hammer, a brand specific to Home Depot. Both of which matched by Brand and retailer, the Husky brand sledge hammer seized from 2949 Barron Avenue from beneath the couch in the bedroom of Cortez HASBERRY during a consent search of the residence on January 4, 2016. I reached out to Home Depot security and requested surveillance video footage of anyone purchasing those items or any combination of those items and gave a description of the individuals depicted in the surveillance video footage of the FFL burglary.

23. On January 19, 2017, I received a call from Home Depot Security Specialist, Marlon Edwards stating that he had surveillance video footage on December 28, 2016 of four individuals matching the suspects' descriptions purchasing two (2) Husky brand sledge hammers and a ten (10) pack of blue rubber gloves. Mr. Edwards provided me with the surveillance video which was processed into the ATF evidence vault as well as a screen shot of the items purchased by the suspects. (See photo below)

Current Transaction			
<div> <div>Previous</div> <div>Next</div> </div>			
<div> <div>Play</div> <div>Print</div> <div>Copy</div> </div>			
0725	00020	23075	12/28/16
SALE	32	TSS348	7:49 PM
755625032270	HCKYSLEDGE	19.97	
662909291288	10CT WTRL	2.48	
755625032287	BLWDSLEDG	24.97	
SUBTOTAL		47.42	
SALES TAX		4.39	
TOTAL		\$51.81	
CASH	52.00		
CHANGE DUE	0.19		
CASH	-0.19		

24. On February 6, 2017, SA Samuel Neeley and I conducted an interview of one of the Crime Stoppers tipsters that called in the tips on January 4, 2016. The tipster advised that the individuals who committed the burglary of the AA Pawn Shop LLC, an FFL dealer, on December 30, 2016 were suspects Jamiel STEWART (aka: BUBBIE); Cortez BEECHER (aka(s): Cortez HASBERRY and MONEY); Christopher HICKS; and Deandre SIMS. The tipster stated that STEWART snorts pills and that when STEWART gets high, STEWART is very talkative and that STEWART had been bragging that he, HASBERRY, HICKS, and SIMS committed the burglary of the AA Pawn Shop LLC, an FFL. The tipster advised that STEWART showed him/her the assault rifle and two (2) twelve gauges (shotguns) that were

stolen during the burglary and even described a price tag that was hanging from the assault rifle. *(Writer's Note: The types of firearms and the descriptions of those firearms were not public knowledge but did match the items actually stolen during the burglary.)* The tipster advised that SIMS was one of the drivers during the burglary and that the tipster believed SIMS went into the business during the burglary. Furthermore, the tipster stated that the suspects were riding around selling the firearms on the street and that the suspects are members of the Bloods and Vice Lords street gangs.

25. During that meeting on February 6, 2017, I showed the tipster the surveillance video of the burglary at the AA Pawn Shop LLC that occurred on December 30, 2016. The tipster pointed out STEWART, HASBERRY, and HICKS in the surveillance video. I also showed the tipster still shots from the video surveillance video footage from the Home Depot located at 3469 Riverdale, Memphis, Tennessee, taken on December 28, 2016. The tipster identified the suspect with the black jacket, white t-shirt, and short hair carrying a sledge hammer (shown on the left in the photo below) as Deandre SIMS. The tipster identified the suspect with the black jacket, black t-shirt, white shoes, and long dreadlocks (shown in the middle in the photo below) as Cortez HASBERRY. The tipster identified the suspect from that video with the white shirt and blue jeans carrying a sledge hammer (shown on the right in the photo below) as Christopher HICKS. This video surveillance video footage was from the evening of December 28, 2016, approximately a day and a half before the FFL burglary occurred in the early morning hours of December 30, 2016. The suspects are on video purchasing two (2) sledge hammers and a ten (10) pack of rubber gloves. All of which are items known to have been used during the burglary. HASBERRY can be seen in the surveillance video utilizing a handheld cellular telephone believed to be one of the two telephones seized during the traffic

stop when he was arrested on January 4, 2016. Based on my training and experience, and the interview of the Crime Stoppers tipster, I believe that this surveillance video footage from the Home Depot on December 28, 2016 shows HASBERRY, HICKS, and SIMS purchasing the burglary tools to commit the burglary at the AA Pawn Shop where twenty-one (21) firearms were stolen.



26. Based on the aforementioned facts and the affiants training and experience not only as a criminal investigator but also as an undercover operative trained by members of criminal organizations and documented gang members to utilize cellular telecommunications devices to facilitate various criminal activities and to evade law enforcement detection, the

affiant knows that criminals utilize cellular telephone devices to orchestrate, plan, and to facilitate various crimes such as burglary and that there is probable cause to believe that the suspects in this burglary of AA Pawn Shop LLC that resulted in the theft of 21 firearms from an FFL which occurred in the Western District of Tennessee, will have electronic evidence of the burglary contained on their electronic communications devices, like the device identified in this affidavit, that will be stored in the device even if they select to delete them. It should also be noted that based on the affiant's training and experience he knows that the electronic communications devices are constantly communicating with cellular telephone towers even when they are not being utilized by their owners and that that information will be stored on the device as well which will assist the affiant and fellow law enforcement officers in establishing location information for the device and the suspect that abandoned it in the crime scene. Furthermore, the affiant knows based on his training and experience that the facts surrounding the well planned and organized burglary of AA Pawn Shop LLC by at least five suspects are consistent with a criminal organization trying to acquire a large number of firearms for the purposes of firearms trafficking.

27. The Device is currently in the lawful possession of the ATF. It came into the ATF's possession in the following way: The cellular telephone was seized from HASBERRY during his arrest by the Memphis Police Department on January 4, 2017, when he was arrested for outstanding State of Tennessee arrest for Aggravated Assault, warrant #16641984. The cellular telephone device was tagged as evidence at the Memphis Police Department Property and Evidence Room located at 201 Poplar Avenue, Memphis, Tennessee 38103. On January 10, 2017, SA Jordan retrieved the cellular telephone device from the Memphis Police Department's Property and Evidence room in order to retrieve the necessary identifying information from the

device to apply for a search warrant and transported it to the ATF Evidence Vault for temporary storage until the search warrant could be secured. Therefore, while the ATF might already have all necessary authority to examine the Device, I seek this additional warrant out of an abundance of caution to be certain that an examination of the Device will comply with the Fourth Amendment and other applicable laws.

28. The Device is currently in storage at the ATF Memphis Field Office located at 2600 Thousand Oaks Boulevard, Suite 2300, Memphis, Tennessee 38118. In my training and experience, I know that the Device has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Device first came into the possession of the ATF.

TECHNICAL TERMS

29. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional “land line” telephones. A wireless telephone usually contains a “call log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing

names and phone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

- b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.
- c. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital

data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

- d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna’s latitude, longitude, and sometimes altitude with a high level of precision.
- e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media

include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system (“GPS”) technology for determining the location of the device.

- f. Tablet: A tablet is a mobile computer, typically larger than a phone yet smaller than a notebook, which is primarily operated by touching the screen. Tablets function as wireless communication devices and can be used to access the Internet through cellular networks, 802.11 “Wi-Fi” networks, or otherwise. Tablets typically contain programs called apps, which, like programs on a personal computer, perform different functions and save data associated with those functions. Apps can, for example, permit accessing the Web, sending and receiving e-mail, and participating in Internet social networks.
- g. IP Address: An Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP

addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

- h. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

30. Based on my training, experience, research, and from consulting the manufacturer's advertisements and product technical specifications available online at <http://www.samsung.com/us/mobile/phones/>, I know that the Device has capabilities that allow it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, PDA, Tablet, IP Address, and a tool to access the Internet. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

31. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

32. *Forensic evidence.* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct

evidence of the crimes described on the warrant, but also forensic evidence that establishes how the Device was used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the Device because:

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).
- b. Forensic evidence on a device can also indicate who has used or controlled the device.
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.
- d. The process of identifying the exact electronically stored information on a storage medium that are necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.

- e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.

33. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

- a. It is further requested that the search warrant provide authorization for agents of the ATF or their designee to search the above-listed devices and/or associated peripheral equipment (including by way of example but not limitation, subscriber identity module (SIM) cards, removable storage media, and/or paired or synced devices), for the evidence listed in the affidavit and warrant using a range of data analysis techniques. However, in some cases, the cellular communication devices may be damaged beyond repair, password protected or otherwise inoperable and less invasive data analysis techniques will not accomplish the forensic goals of the examination. In these cases, an analysis technique referred to as “chip off” may be implemented to conduct the data extraction process. Chip-off is an advanced digital data extraction and analysis technique which involves physically removing flash memory chip(s) from a subject device and then acquiring the raw data using specialized equipment. This process renders the cellular communication device unusable.

34. *Manner of execution.* Because this warrant seeks only permission to examine a device already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

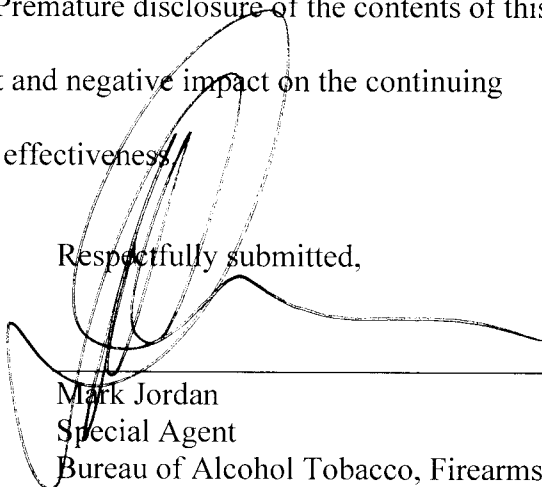
CONCLUSION

35. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the Device described in Attachment A to seek the items described in Attachment B.

REQUEST FOR SEALING

36. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the warrant is relevant to an ongoing investigation into the criminal organizations as not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that, online criminals actively search for criminal affidavits and search warrants via the internet, and disseminate them to other online criminals as they deem appropriate, i.e., post them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

Respectfully submitted,


Mark Jordan
Special Agent
Bureau of Alcohol Tobacco, Firearms and
Explosives (ATF)

Subscribed and sworn to before me
on February 10, 2017:


UNITED STATES MAGISTRATE JUDGE